



STATE OF MAINE  
JOHN ELIAS BALDACCI  
GOVERNOR

DEPARTMENT OF CONSERVATION  
LAND USE REGULATION COMMISSION  
LAKE VIEW DRIVE  
P.O. BOX 1107  
GREENVILLE, MAINE 04441

PATRICK  
MCGOWAN  
COMMISSIONER

# PERMIT

## AMENDMENT B TO BUILDING PERMIT BP 9681

The staff of the Maine Land Use Regulation Commission (hereafter, the Commission), after reviewing the application and supporting documents submitted by Timothy S. and Karen L. Hagfors for Amendment B to Building Permit BP 9681, finds the following facts:

1. Applicant: Timothy S. and Karen L. Hagfors  
3252 Taylor Creek Drive  
Taylor Mill, Kentucky 41015
2. Date of Completed Application: October 4, 2004
3. Location of Proposal: Harfords Point Township, Piscataquis County  
Taxation Lots #8, #9, and #13 on Plan 04
4. Zoning: (D-RS) Residential Development Subdistrict
5. Lot Size: 2.77 Acres (owned)
6. Principal Building: Existing Permanent Home (31 ft. by 52 ft.)  
Existing Deck (8 ft. by 20 ft.)  
Existing Deck (52 ft. by 6-8 ft.) (width varies)
7. Accessory Structures: Existing Staircase (3 ft. by 24 ft.) (*Authorized in this permit amendment*)
8. Affected Waterbody: Moosehead Lake

The Commission has identified Moosehead Lake as a resource class 1A, management class 7, relatively accessible, relatively developed lake with significant shore character resources, and outstanding fisheries, wildlife, scenic, botanical, cultural and physical resources.

### Background

9. The applicants's lot is comprised of Lots #1, #2, and #3 of Amendment A to Subdivision Permit SP 3130, issued to William Wallace and Michael J. Conaboy in May of 1988.

10. Building Permit BP 9681, issued to the applicants in July of 1997, authorized construction of a 25 foot by 50 foot permanent home.
11. Amendment A to Building Permit BP 9681, issued to the applicants in September of 1997, authorized a change in dimensions and location of the previously authorized permanent home.
12. At the applicants' request staff inspected the property in August of 2004 to discuss stabilizing the steep eroded bank of the borrow pit. At that time, staff observed that the shoreline was developed with a 3 foot by 24 foot staircase, set back 21 feet from the normal high water mark of Moosehead Lake, constructed without prior permit approval from the Commission [Reference: Enforcement Case EC 04-042].

#### Proposal

13. The applicants seek after-the-fact approval for the construction of the 3 foot by 24 foot staircase, which was constructed in July of 2002. The staircase is set back 21 feet from the normal high water mark of Moosehead Lake and provides access to the shoreline over a bank with an approximately 30% slope. The stairs were constructed using pressure treated treads back filled with crushed stone. Paving stones are set at the top and bottom of the stairs and the stringers are supported by precast concrete pads. The applicants state that the staircase was constructed to provide safe access to the beach over a steep bank and to prevent erosion from foot traffic.

#### Review Criteria

14. Under provisions of Section 10.26, D of the Commission's Land Use Districts and Standards, the minimum setbacks for residential structures are 100 feet from waterbodies such as Moosehead Lake, 50 feet from the traveled portion of all roadways, and 15 feet from side and rear property boundary lines.
15. Under provisions of Section 10.26, G, 5 of the Commission's Land Use Districts and Standards, an exception may be made to the shoreline, road, and/or property line setback requirements for structures where the Commission finds that such structures must be located near to the shoreline, road, or property line due to the nature of their use.

#### Review Comments

16. The Maine State Soils Scientist reviewed the application and expressed no objections to the proposal.
17. The Piscataquis County Soil and Water Conservation District commented that the proposed staircase would likely protect the bank from erosion caused by foot traffic.
18. The facts are otherwise as represented in Building Permit BP 9681 and subsequent amendments, Amendment Request B, and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed staircase, set back 21 feet from the normal high water mark of Moosehead Lake, does not comply with the Commission's minimum waterbody setback requirement pursuant to Section 10.26, D of the Commission's Land Use Districts and Standards.
2. The proposed staircase may be allowed within 100 feet of the normal high water mark of Moosehead Lake under provisions of Section 10.26, G, 5 of the Commission's Land Use Districts and Standards, in that the staircase must be located to the shoreline due to the nature of its use and because of the steep slope of the applicants' lot to the shoreline of Moosehead Lake.
3. If carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of Timothy S. and Karen L. Hagfors with the following conditions:**

1. Construction activities authorized in this permit must be substantially started within 2 years of the effective date of this permit and substantially completed within 5 years of the effective date of this permit. If such construction activities are not started and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.
2. The authorized staircase must be set back a minimum of 21 feet from the normal high water mark of Moosehead Lake, 75 feet from the intermittent stream, 50 feet from the traveled portion of all roadways, and 15 feet from other property boundary lines.
3. Clearing and construction activities, except those necessary to establish sedimentation control devices, shall not begin until all erosion and sedimentation control devices (including ditches, culverts, sediment traps, settling basins, hay bales, silt fences, etc.) have been installed and stabilized. Once in place, such devices shall be maintained to ensure proper functioning. All temporary sedimentation and erosion control devices shall be removed after construction activity has ceased and a cover of healthy vegetation has established itself or other appropriate permanent control measures have been effectively implemented. Permanent soil stabilization shall be completed within one week of inactivity or completion of construction.
4. Once construction is complete, the permittee(s) shall submit a self-certification form, notifying the Commission that all conditions of approval of this permit have been met. The permittee shall submit all information requested by the Commission demonstrating compliance with the terms of this permit.
5. The scenic character and healthful condition of the area covered under this permit must be maintained. The area must be kept free of litter, trash, junk cars and other vehicles, and any other materials that may constitute a hazardous or nuisance condition.

6. To protect the scenic quality of Moosehead Lake, all authorized structures must not be sited on a ridge or knoll such that they are visible above the tree line from the lake. All authorized structures must be located, designed and landscaped to reasonably minimize their visual impact on the surrounding area, particularly when viewed from existing roadways or shorelines.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittees comply with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Regulation Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT GREENVILLE, MAINE, THIS 9<sup>th</sup> DAY OF NOVEMBER, 2004.

By: Jennifer C. Speers  
for Catherine M. Carroll, Director